

HOUSE BILL NO. 403

INTRODUCED BY KEANE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A ~~GENERAL EACH~~ CONTRACTOR;
5 ~~SUBCONTRACTOR, OR EMPLOYER~~ TO ENSURE THAT AT LEAST 50 PERCENT OF THE CONTRACTOR'S
6 WORKERS PERFORMING LABOR ON A STATE CONSTRUCTION PROJECT ARE BONA FIDE MONTANA
7 RESIDENTS; AMENDING SECTION 18-2-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
8 AND AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 18-2-409, MCA, is amended to read:
13 **"18-2-409. Montana residents to be employed on state construction contracts.** (1) On any state
14 construction project funded by state or federal funds, except a project partially funded with federal aid money
15 from the United States department of transportation or ~~where~~ when residency preference laws are specifically
16 prohibited by federal law and to which the state is a signatory to the construction contract, ~~a GENERAL EACH~~
17 contractor, subcontractor, or employer shall ensure that at least 50% of the ~~work must be performed by~~
18 CONTRACTOR'S workers performing labor on the project are bona fide Montana residents, as defined in 18-2-401.

19 (2) For any contract awarded for a state construction project, except a project partially funded with
20 federal aid money from the United States department of transportation or ~~where~~ when residency preference laws
21 are specifically prohibited by federal law, there must be inserted in the bid specification and the contract a
22 provision, in language approved by the commissioner of labor and industry, implementing the requirements of
23 subsection (1). The bid specification and the contract must provide that at least 50% of the workers on the
24 project will be bona fide Montana residents. ~~If there are two or more contracts and~~ due to a lack of qualified
25 personnel ~~a GENERAL EACH~~ contractor cannot guarantee that at least 50% of ~~his the contractor's~~ CONTRACTOR'S
26 workers ON THE PROJECT will be Montana residents, ~~his the~~ contract must provide that the percentage that the
27 commissioner of labor and industry believes possible will be Montana residents ~~and one or more of the other~~
28 ~~contracts must provide for a higher percentage of Montana residents so that 50% of the workers on the project~~
29 ~~will be Montana residents.~~

30 (3) The commissioner of labor and industry shall enforce this section and investigate complaints of its

1 violation and may adopt rules to implement this section."

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3 NEW SECTION. **Section 2. Effective date -- applicability.** [This act] is effective on passage and
4 approval and applies to contracts entered into on or after [the effective date of this act].

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